



2008 ANNUAL TOWN MEETING MOTIONS

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2008 ANNUAL TOWN MEETING MOTIONS

REPORTS

ARTICLE 1: Acceptance of Town Reports

Majority Vote Required

Motion: That the Town accept the Reports of Town Officers, Boards and Committees for the calendar year 2007.

Selectmen Recommend and FinComm Recommend

FINANCIAL (FISCAL YEAR 2008)

ARTICLE 2: Fiscal Year 2008 Supplemental Appropriations

Majority Vote Required

Motion: That the Town appropriate from Free Cash the sum of \$460,000 (FOUR HUNDRED SIXTY THOUSAND DOLLARS) in order to supplement the following Fiscal Year 2008 Operating Budgets:

Department 131 Finance Committee, Reserve Fund	\$ 50,000
Department 123 Town Manager, Expenses	\$ 10,000
Department 161 Town Clerk, Expenses	\$ 30,000
Department 192 Town Hall, Expenses	\$ 370,000

Selectmen Recommend and FinComm Recommend

ARTICLE 3: Fiscal Year 2008 Budget Transfers

Majority Vote Required

Motion: That the Town transfer the sum of FORTY THOUSAND (\$40,000.00) DOLLARS from and to the following Fiscal Year 2008 accounts in the following amounts:

\$40,000 from 421 Highway Department, Personal Services to 421 Highway Department, Expenses

Selectmen Recommend and FinComm Recommend

ARTICLE 4: Unpaid Bills from Previous Fiscal Year(s)

4/5 Vote Required

Motion: That the Town appropriate from Free Cash the sum of \$12,000 (TWELVE THOUSAND DOLLARS) to reimburse certain agencies for food permits fees charged in previous fiscal years in accordance with the provisions of MGL Chapter 44, Section 64.

Selectmen to make Recommendation at Town Meeting and FinComm Recommend

FINANCIAL (FISCAL YEAR 2009)

***ARTICLE 5: Amendments to the Wage and Classification Plan**

Majority Vote Required

Motion: That the Town dismiss Article 5.

Selectmen Recommend Dismissal

ARTICLE 6: Acceptance of Enterprise-Legislation-Recreation

Majority Vote Required

Motion: That the Town accept the provisions of MGL Chapter 44 Section 53F ½ in order to establish a Recreation Enterprise Fund for Recreation Programs and other related costs.

Selectmen Recommend and FinComm Recommend

ARTICLE 7: Fiscal Year 2009 Operating Budget

Majority Vote Required

Motion: That the Town appropriate \$87,469,164 (EIGHTY SEVEN MILLION FOUR HUNDRED SIXTY NINE THOUSAND ONE HUNDRED SIXTY FOUR DOLLARS) for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2008 through June 30, 2009, such sums to be expended for such purposes under the direction of the respective Town Officers, Boards and Committees and further that all items be raised and appropriated except for the following:

Fund 240 Community Preservation Fund: \$788,269 shall be appropriated from Community Preservation Fund Revenue.

Fund 600 Water Enterprise Fund: \$2,769,000 shall be appropriated from Water Enterprise Revenue and \$416,619 shall be appropriated from Water Enterprise Free Cash.

Fund 630 Recreation Enterprise Fund: \$950,000 shall be appropriated from Recreation Enterprise Revenue.

Fund 640 Ambulance Enterprise Fund: \$450,000 shall be appropriated from Ambulance Enterprise Revenue.

<i>Selectmen Recommend General Fund Budget (Fund 240, 600, 630, 640 not voted) and FinComm Recommend</i>
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Proposed Amendment to Article 7 (if Article 6 Enterprise Legislation does not pass):

That the Town amend Article 7 as follows:

491 CEMETERY DEPARTMENT

Personal Services	\$	53,108
Expenses		17,200
Capital Outlay		0
Total 491		70,308

630 RECREATION

Personal Services	177,157
Expenses	16,550
Offsets/Shared Costs	0
Total	193,707

650 PARKS

Personal Services	162,059
Expenses	32,500
Offset	(42,000)
Capital	0
Total	152,559

910 EMPLOYEE BENEFITS & MISCELLANEOUS

Expenses	10,638,662
Water Direct/Indirect Costs	(339,984)
Ambulance Direct/Indirect Costs	(210,618)
Offset-Firefighter Grant	(19,861)
Total	10,068,199

630 RECREATION ENTERPRISE

Personal Services	0
Expenses	0
Capital	0
Total	0

For a total appropriation under Article 7 of \$86,520,221

***ARTICLE 8: Property Tax Exemption Increase by 100% for the Blind, Elderly and for Disabled Veterans** *Majority Vote Required*

Motion: That the Town accept the provisions of Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, by providing for additional property tax exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or who are disabled veterans, and to continue the present percentage increase of 100%.

<i>Selectmen Recommend and FinComm Recommend</i>
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ARTICLE 9: Revolving Funds *Majority Vote Required*

Motion: That the Town, pursuant to MGL Chapter 44, Section 53E 1/2, establish revolving funds for the following departments for the specific purposes outlined below for the fiscal year beginning July 1, 2008 and ending June 30, 2009:

Recycling Commission: Revenues received from the sale of recycled materials to be expended to meet the expenses of the recycling program, said expenditures to be approved by the Recycling Commission; and not to exceed TWENTY THOUSAND (\$20,000) DOLLARS during fiscal year 2009.

Recreation Commission-Field Maintenance: Fees received for field permits to be expended for the purpose of field maintenance and related hiring of necessary personnel and consulting services, said expenditures to be approved

by the Recreation Commission and not to exceed FIVE HUNDRED TWENTY FOUR THOUSAND (\$524,000) DOLLARS during fiscal year 2009.

School Department-Parking Fees: Fees received for student parking to be expended for the purpose of maintenance and expansion of parking facilities and any other related costs, said expenditures to be approved by the School Committee and not to exceed TWENTY FOUR THOUSAND (\$24,000) DOLLARS during fiscal year 2009.

School Department-Bus Fees: Fees received for student bus transportation to be expended for the purpose of paying for the costs of providing student transportation, said expenditures to be approved by the School Committee and not to exceed FIVE HUNDRED THOUSAND (\$500,000) DOLLARS during fiscal year 2009.

<i>Selectmen and FinComm to make Recommendation at Town Meeting</i>

Proposed Amendment (if Article 6 Enterprise Legislation does not pass):

Recreation Commission-Programs: Fees received for recreation programs to be expended for the purpose of program maintenance and the hiring of necessary personnel and consulting services, said expenditures to be approved by the Recreation Commission; and not to exceed TWO HUNDRED FIFTY THOUSAND (\$250,000) DOLLARS during fiscal year 2009.

Recreation Commission-Field Maintenance: Fees received for field permits to be expended for the purpose of field maintenance and related hiring of necessary personnel and consulting services, said expenditures to be approved by the Recreation Commission and not to exceed TWO HUNDRED SEVENTY FOUR THOUSAND (\$274,000) DOLLARS during fiscal year 2009.

Town Manager-Westford Partnership for Children: Fees received for programs sponsored by the Westford Partnership for Children to be expended for the purpose of program materials, supplies, administration, staffing, and facility use, said expenditures to be approved by the Town Manager and not to exceed FIVE HUNDRED TWENTY FOUR THOUSAND (\$524,000) DOLLARS during fiscal year 2009.

***ARTICLE 10: Highway Department Chapter 90 Funds**

Majority Vote Required

Motion: That the Town appropriate the sum of \$657,851 (SIX HUNDRED FIFTY SEVEN THOUSAND EIGHT HUNDRED FIFTY ONE DOLLARS) from the proceeds due to the Town under the provisions of MGL Chapter 90.

Selectmen Recommend and FinComm Recommend

ARTICLE 11: Capital Requests

Majority Vote Required

Motion: That the Town appropriate the sum of \$779,500 (SEVEN HUNDRED SEVENTY NINE THOUSAND FIVE HUNDRED DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Technology	\$384,000	Hardware, software, maintenance, and any other related costs
Town Clerk	\$9,500	Fireproof file cabinets, microfilming, scanning, and any other related costs
Police Department	\$110,000	3 cruisers and accessories, and any other related costs
Fire Department	\$6,500	Hose Bed Covers Engines 1 & 5, and any other related costs
School Department	\$90,500	Replace Boiler #2-Nabnasset Elementary School, HVAC Controls project completion-Abbot Elementary School, Educational/Instructional Technology-System wide, and any other related costs
Highway Department	\$179,000	2 One Ton Trucks, 2 Pickup Trucks, Accessories, and any other related costs

And further that all items be raised and appropriated except for the following:

Transfer from the unexpended balance remaining under "Article 13 "Parks, Recreation & Cemetery, Capital" of the Annual Town Meeting of May 6, 2006 - \$44,000

Selectmen Recommend and FinComm Recommend

CAPITAL EXPENSES (FISCAL YEAR 2009)

ARTICLE 12: Upgrade Water Main in Byrne Avenue *2/3 Vote Required*

Motion: That the Town appropriate the sum of \$436,000 (FOUR HUNDRED THIRTY SIX THOUSAND DOLLARS) to be expended at the direction of the Water Commissioners, to pay costs of replacing and upgrading the water main in the Byrne Avenue area , including the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44 Section 8 of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Selectmen and FinComm to make Recommendation at Town Meeting

ARTICLE 13: Painting & Refinishing Existing Water Tank *Majority Vote Required*

Motion: That the Town appropriate from Water Enterprise Fund Free Cash the sum of \$100,000 (ONE HUNDRED THOUSAND DOLLARS) to be expended at the direction of the Water Commissioners, to pay the costs of painting and refinishing an existing water storage tank, including the payment of all other costs incidental and related thereto.

Selectmen Recommend and FinComm to make Recommendation at Town Meeting

ARTICLE 14: Designing, Permitting & Bidding New Well on Country Road *Majority Vote Required*

Motion: That the Town appropriate from Water Enterprise Fund Free Cash the sum of \$55,000 (FIFTY FIVE THOUSAND DOLLARS) to be expended at the direction of the Water Commissioners, to pay costs of designing, permitting, and issuance of a request for proposals for the development of a new well on Country Road, including the payment of all other costs incidental and related thereto.

Selectmen Recommend and FinComm to make Recommendation at Town Meeting

ARTICLE 15: Route 110/Minots Corner *2/3 Vote Required*

Motion: That the Town appropriate the sum of \$264,000 (TWO HUNDRED SIXTY FOUR THOUSAND DOLLARS) to be expended at the direction of Board of Selectmen, to pay the costs for the completion of the design of the Route 110 / Minot's Corner

Intersection Project , including the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44 Section 7 (22)of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Selectmen and FinComm to make Recommendation at Town Meeting (awaiting Planning Board report)

CPA FUNDS

ARTICLE 16: Community Preservation Committee Recommendations

Majority Vote Required

Motion: That the Town, pursuant to MGL Chapter 44B, in accordance with the recommendations of the Westford Community Preservation Committee, appropriate from Community Preservation Funds the sum of \$2,142,619 (TWO MILLION ONE HUNDRED FORTY TWO THOUSAND SIX HUNDRED NINETEEN DOLLARS) as follows:

\$ 1,000,000	From Undesignated Fund Balance For the purchase of the so-called Stepinski parcel and any other related costs This allocation more than covers the required 10% for Open Space	<i>Stepinski Land Acquisition Negotiating Team</i>
\$252,448	From Undesignated Fund Balance To the Community Housing Reserve This allocation more than covers the required 10% for Community Housing	<i>Community Housing Reserve</i>
\$252,448	From Undesignated Fund Balance To the Historic Resources Reserve This allocation more than covers the required 10% for Historic Resources	<i>Historic Resources Reserve</i>
\$433	From Historic Resources Reserve For the Forge Millworkers Path Project and any other related costs	<i>Historical Commission/ Forge Village Improvement Association</i>

\$1,115	From Historic Resources Reserve For the refurbishment of the Elizabeth J. Fisher Map of the United States and any other related costs	<i>Historical Commission / JV Fletcher Library</i>
\$2,335	From Historic Resources Reserve For the refurbishment of the Walling's Map of Middlesex County and any other related costs	<i>Historical Commission/ JV Fletcher Library</i>
\$3,840	From Historic Resources Reserve For the 2008 Town Records Preservation Project and any other related costs	<i>Historical Commission/ Records & Archives Management Committee</i>
\$ 5,000	From Historic Resources Reserve For the Town Farm Road Building Structural Engineering Services and any other related costs	<i>Historical Commission/ Westford Park & Recreation Commission/Permanent Town Building Committee</i>
\$330,000	From Historic Resources Reserve For the Cameron Senior Center Rehabilitation and Expansion Project and any other related costs	<i>Historical Commission/ Council on Aging/ Permanent Town Building Committee</i>
\$40,000	From Community Housing Reserve For the due diligence costs of the proposed new 30 Rental Residences known as Stony Brook Phase II, including site boring and excavations, engineering plans to construction level, wildlife habitat investigations, project management and financing feasibility, backhoe and drilling, and any other related costs	<i>Westford Housing Authority</i>
\$240,000	From Community Housing Reserve For the purchase & retro-fit of a Potential Group Home and any other related costs	<i>Affordable Housing Trust</i>
\$15,000	From Undesignated Fund Balance For administrative expenses for the Community Preservation Committee	<i>Community Preservation Committee</i>

Selectmen Recommend and FinComm to make Recommendation at Town Meeting

GENERAL BYLAW AMENDMENTS

ARTICLE 17: General Bylaw Review: Reports and Records

Majority Vote Required

Motion: That the Town amend Chapter 51 of the General Bylaws to make all reports and records to be presented for a vote at an Annual or Special Town Meeting available to the public, by inserting §51.1.E and §51.2.D, as follows:

§51.1.E. Availability of Reports and Records Prior to Annual Town Meeting.

All reports and records to be voted on at an Annual Town Meeting must be made available to the public at least 14 days prior to Annual Town Meeting. The words “reports and records” shall mean any written or printed book or paper, or any photograph, microphotograph, map or plan.

1. Reports and records must be published on the Town's web site, and available in paper copy at the Town Clerk's office.
2. Nothing in this bylaw changes any existing reporting or notification requirements that may be established by other bylaws or Massachusetts General Law.
- 3.

§51.2.D. Availability of Reports and Records Prior to Special Town Meeting. All reports and records to be voted on at a Special Town Meeting must be made available to the public at least 14 days prior to the meeting. The words “reports and records” shall mean any written or printed book or paper, or any photograph, microphotograph, map or plan.

1. Reports and Records must be published on the Town's web site, and available in paper copy at the Town Clerk's office.
2. Nothing in this bylaw changes any existing reporting or notification requirements that may be established by other bylaws or Massachusetts General Law.

<i>Selectmen Recommend</i>

ARTICLE 18: General Bylaw - Stormwater Management

Majority Vote Required

Motion: That the Town adopt a Stormwater Management Bylaw as Chapter 176 of the General Bylaws, in order to require practices to control the flow of stormwater, erosion, and stormwater runoff from new and redeveloped construction sites into the Westford storm sewer system, in accordance with the Town's requirement under the National Pollutant Discharge Elimination System Phase II Stormwater Program, as part of the Clean Water Act, to read as follows:

**Chapter 147: Stormwater Management
[Adopted May 10, 2008]**

§ 147.1. Purpose.

- A. Increased and contaminated stormwater runoff associated with developed land uses and the impacts of soil erosion and sedimentation are known to cause:
- Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
 - Contamination of drinking water supplies;
 - Erosion of stream channels;
 - Alteration and destruction of aquatic and wildlife habitat;
 - Flooding; and
 - Overloading or clogging of municipal storm drain systems.
- B. The objectives of this bylaw are to require practices to control the flow of stormwater from new and redeveloped sites into the Westford storm sewer system in order to:
- Prevent pollutants from entering and discharging from the Westford municipal separate storm sewer system ;
 - Control the volume and rate of stormwater runoff resulting from land disturbance activities;
 - Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process;
 - Prevent flooding;
 - Promote infiltration and recharge of groundwater;

- Encourage the use of low impact development techniques such as reducing impervious cover and the preservation of green space and other natural areas, to the maximum extent practicable and allowable under Westford's Subdivision Rules and Regulations;
- Protect groundwater and surface water from degradation;
- Control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at a construction site;
- Ensure adequate operation and maintenance of structural stormwater best management practices so they work as designed, both long-term and during construction;
- Comply with state and federal statutes and regulations relating to stormwater discharges; and
- Establish Westford's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

§ 147.2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this bylaw:

Alter shall mean any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

Approval Not Required (ANR) shall mean a plan of land that does not require approval under the Subdivision Control Law of Massachusetts (Massachusetts General Laws, chapter 41, sections 81K through 81GG).

Common Plan of development shall mean any announcement or piece of documentation (including a contract, public notice or hearing, advertisement, drawing, plan, or permit application, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor marking, etc.) indicating imminent or future plans to disturb earth regardless of how many phases or how long it will take to complete. Under this bylaw, a facility is *no longer considered a common plan* if the following criteria are met:

- a) The original plan, including modifications, was substantially completed with less than one acre of the original common plan remaining (i.e., <1 acre of the common plan was not built out at the time); **and**

- b) There was a clearly identifiable period of time (2 years or more) where there was no ongoing construction, including meeting the criteria for final stabilization.

Land Disturbance shall mean any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material. See also ALTER.

Low Impact Development Techniques shall mean stormwater management practices that are modeled after natural hydrologic features. Low impact development techniques manage rainfall at the source using uniformly distributed decentralized micro-scale controls. Low impact development techniques use small cost-effective landscape features located at the lot level.

Massachusetts Stormwater Management Standards shall mean the requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and water quantity (flooding, low base flow and recharge) by establishing standards that require the implementation of a wide variety of stormwater management strategies. These strategies include environmentally sensitive site design and LID techniques to minimize impervious surface and land disturbance, source control and pollution prevention, structural Best Management Practices, construction period erosion and sedimentation control, and the long-term operation and maintenance of stormwater management systems. The Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6) (k) and the Water Quality Certification Regulations, 314 CMR 9.06(6) (a).

Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System or Municipal Storm Sewer System shall mean a conveyance or system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, municipal street, catch basins, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, ditch, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Westford.

Nonpoint Source shall mean any source from which pollution is discharged which is not identified as a point source, including, but not limited to urban, agricultural, or silvicultural runoff.

Owner shall mean a person with a legal or equitable interest in a property.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Redevelopment shall mean the development, replacement, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Standards for Redevelopment only apply to those portions of the parcel that currently contain alteration by human activities. Redevelopment is further defined by Massachusetts Stormwater Management Standard 7.

Stormwater Authority shall mean the Town of Westford Planning Board. The Planning Board is responsible for coordinating the review, approval and permit process as defined in this bylaw. Other boards and/or departments participate in the review process as defined in Section 147.4 of this bylaw.

Stormwater Best Management Practice (BMP) shall mean a structural or nonstructural technique for managing stormwater to prevent or reduce nonpoint source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, biofilter or other stormwater treatment practice or measure either alone or in combination including without limitation any discharge pipe, overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

Stormwater Management shall mean the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

Stormwater Management Permit shall mean a permit issued by the Planning Board, after review of an application, plans, calculations, and other supporting documents, which is

designed to protect the environment of the Town from the deleterious affects of uncontrolled and untreated stormwater runoff.

Additional terms that apply to issuance of a Stormwater Management Permit established by this bylaw shall be defined and included as part of the regulations promulgated and, from time to time, amended under section 147.5.B of this bylaw, a copy of which is available at the Planning Board and the office of the Town Clerk. Terms not defined in said regulations or pertinent statutes shall be construed according to their customary and usual meaning.

§ 147.3. Authority.

The Stormwater Management bylaw is hereby established in the Town of Westford, Massachusetts. This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the rules and regulations of the federal Clean Water Act found at 40 CFR 122.34.

This bylaw shall take effect upon its approval by the Attorney General and publications as provided by Massachusetts General Laws chapter 40, section 32, provided however, that any continuous legally permitted activities in operation on that day may continue.

§ 147.4. Scope and Applicability.

- A. This bylaw shall be applicable to the following activities:
1. Any Subdivision as defined in the Massachusetts Subdivision Control Law (Massachusetts General Laws, chapter 41, sections 81K – 81GG) requiring a Definitive Plan;
 2. Any activities that result in a land disturbance of one acre or greater within the Town of Westford. Land disturbance shall mean any action that causes vegetation clearing (including tree cutting); or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material; and
 3. Any activities that result in a land disturbance less than one acre if the project is part of a larger common plan of development which will disturb one acre or more within the Town of Westford. Plans that do

not require approval under the Subdivision Control Law, hereafter referred to as "Approval Not Required or ANR lots", and meet one or more of the applicability criteria described herein are subject to the provisions of this bylaw and shall obtain a Stormwater Management Permit.

B. Exemptions: No person who meets the applicability of this bylaw shall alter land within the Town of Westford without having obtained a **Stormwater Management Permit (SMP)** with the following exceptions:

1. Ground disturbances in the course of customary cemetery use and regular maintenance,
2. Maintenance of landscaping, gardens or lawn areas,
3. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act 310 CMR 10.04 and Massachusetts General Laws chapter 40A, section 3.
4. Any work or projects for which the required permit applications have been submitted to the Planning Board, Zoning Board of Appeals, and Conservation Commission before the effective date of this bylaw. For proposed Subdivisions, a Definitive Plan must have been submitted to be considered exempt from this bylaw.
5. Emergency repairs to any stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Planning Board or its authorized agent.
6. Municipal roadway maintenance when conducted in accordance with an approved Stormwater Pollution Prevention Plan, prepared in accordance with the Stormwater Management regulations promulgated under Section 147.5B of this bylaw, on file with the Planning Board.

C. Coordination with Other Town Permits.

1. No Town Earth Removal Permit, Order of Conditions from the Conservation Commission, Building Permit, Subdivision approval, Special Permit, variance or finding shall constitute compliance with this bylaw. For a project or activity that meets the Scope and Applicability of this bylaw, no work may commence until the site owner or his agent submits a complete Stormwater Management Permit application, the Planning Board issues a Stormwater Management Permit, and the site owner and responsible parties sign and certify that all land clearing, construction, and development will be done pursuant to the approved Plans and Permit.
2. This bylaw is not intended to interfere with, abrogate, or annul any other bylaw, rule or regulation, statute, or other provision of law. The requirements of this bylaw should be considered minimum requirements, and where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.
3. In case of conflicting requirements, applicable state statutes and regulations shall be considered the more restrictive or more protective of human health and the environment, and shall take precedence over the Westford Stormwater Management bylaw and the regulations promulgated thereunder. These state statutes and regulations include, but are not limited to, the following documents: the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, and the Massachusetts Stormwater Management Standards, as amended.

§ 147.5. Administration.

- A. Stormwater Authority. The Planning Board is hereby designated as the Stormwater Authority. The Planning Board, or its agent, shall administer, implement and enforce this bylaw. The Planning Board may appoint the Conservation Agent, Town Engineer, or qualified professional to act as its authorized agent for site inspections and to advise the Planning Board.

- B. Stormwater Regulations. The Planning Board may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, and/or consultant fees), procedures and administration of this Stormwater Management bylaw after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least fourteen (14) days prior to the hearing date. After public notice and public hearing, the Planning Board may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure of the Planning Board to promulgate such rules and regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.
- C. Stormwater Management Manual. The Planning Board will utilize the Massachusetts Stormwater Management Handbook, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this bylaw. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically altered in this Stormwater Management bylaw and regulations, stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management Standards and design and sizing criteria in the Stormwater Management Handbook shall be presumed by the Planning Board to be protective of Massachusetts water quality standards.
- D. Actions by the Planning Board. The Planning Board may take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of the regulations promulgated as part of this bylaw: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- E. Appeals of Action by the Planning Board. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.

§ 147.6. Permit Procedures.

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the regulations promulgated under section 147.5.B of this bylaw.

§ 147.7. Performance Standards.

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the regulations promulgated under section 147.5.B of this bylaw.

§ 147.8. Waivers.

- A. The Planning Board may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Town of Westford Stormwater Management bylaw or the regulations promulgated hereunder, where it makes a written finding that such action is:
 - 1. Allowed by federal, state and local statutes and/or regulations;
 - 2. In the public interest; and
 - 3. Consistent with the purpose and intent of the Town of Westford Stormwater Management bylaw and its regulations.
- B. Criteria for granting a waiver shall be defined and included as part of the regulations promulgated under section 147.5.B of this bylaw.

§ 147.9. Enforcement.

The Planning Board or its authorized agent shall enforce this bylaw and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Planning Board. As an alternative to criminal prosecution or civil action, the Planning Board may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Town of Westford General Bylaws Chapter 1.2 A in which

case the Planning Board shall be the enforcing person. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning Board's agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Planning Board deems reasonably necessary to determine compliance with a permit issued under this bylaw. Enforcement shall be further defined and included as part of the regulations promulgated under section 147.5.B of this bylaw.

§ 147.10. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

<i>Selectmen Recommend</i>

ARTICLE 19: General Bylaw - Discharges to the Municipal Storm Drain System

Majority Vote Required

Motion: That the Town adopt a Discharges to the Municipal Storm Drain System Bylaw as Chapter 177 of the General Bylaws, in order to eliminate and prevent pollution from entering the Town's storm sewer system by regulating illicit connections and discharges, in accordance with the Town's requirement under the National Pollutant Discharge Elimination System Phase II Stormwater Program, as part of the Clean Water Act, to read as follows:

Chapter 82: Discharges to the Municipal Storm Drain System
[Adopted May 10, 2008]

§ 82.1. Purpose.

- A. Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

- B. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Westford's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
- C. The objectives of this bylaw are:
1. to prevent pollutants from entering the Town of Westford's municipal separate storm sewer system;
 2. to prohibit illicit connections and unauthorized discharges to the municipal separate storm sewer system;
 3. to require the removal of all such illicit connections;
 4. to comply with state and federal statutes and regulations relating to stormwater discharges; and
 5. to establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

§ 82.2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this bylaw. Terms not defined herein shall be construed according to their customary and usual meaning.

Authorized Enforcement Agency shall mean the Board of Health, its employees or agents designated to enforce this bylaw.

Clean Water Act shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Discharge of Pollutants shall mean the addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Facility or Operation shall mean any business, establishment, or performance of work that uses, generates, or handles material that is considered a Pollutant.

Groundwater shall mean water below the land surface in a saturated zone, including perched groundwater.

Illicit Connection shall mean a surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

Illicit Discharge shall mean a direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 82.8.

Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System or Municipal Storm Sewer System shall mean a conveyance or system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, municipal street, catch basins, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, ditch, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Westford.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit shall mean a permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

Nonpoint Source shall mean any source from which pollution is discharged which is not identified as a point source, including, but not limited to urban, agricultural, or silvicultural runoff.

Non-Stormwater Discharge shall mean a discharge to the municipal storm drain system not composed entirely of stormwater.

Person shall mean an individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant shall mean any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- a. paints, varnishes, and solvents;
- b. oil and other automotive fluids;
- c. non-hazardous liquid and solid wastes and yard wastes;
- d. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- e. pesticides, herbicides, and fertilizers;
- f. hazardous materials and wastes;
- g. sewage, fecal coliform and pathogens;
- h. dissolved and particulate metals;
- i. animal wastes;
- j. rock, sand, salt, soils with the exception of winter salting and sanding in quantities that will not clog or otherwise impair the performance of stormwater conveyances;
- k. construction wastes and residues; and
- l. noxious or offensive matter of any kind.

Process Wastewater shall mean water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge shall mean the process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Riparian Habitat shall mean the aquatic and terrestrial environment where a plant or animal naturally or normally lives and grows adjacent to streams, lakes, or other waterways.

Stormwater shall mean storm water runoff, snow melt runoff, and surface water runoff and drainage.

Stormwater Best Management Practice shall mean a structural or nonstructural technique for managing stormwater to prevent or reduce non-point source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, biofilter or other stormwater treatment practice or measure either alone or in combination including without limitation any discharge pipe, overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

Surface Water Discharge Permit shall mean a permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste shall mean any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under Massachusetts General Laws chapters 21C and 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourse shall mean a natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth shall mean all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and groundwater.

Wastewater shall mean any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

§ 82.3. Applicability.

- A. This bylaw shall apply to flows entering the municipal separate storm sewer system.
- B. This bylaw is not intended to interfere with, abrogate, or annul any other bylaw, rule or regulation, statute, or other provision of law. The requirements of this bylaw should be considered minimum requirements, and where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

§ 82.4. Authority.

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

§ 82.5. Responsibility For Administration.

The Board of Health shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board of Health may be delegated in writing by the Board of Health to employees or agents of the Board of Health.

§ 82.6. Regulations.

The Board of Health may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Board of Health to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

§ 82.7. Prohibited Activities.

- A. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system, into a watercourse, or into the waters of the Commonwealth.
- B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the

connection was permissible under applicable law, regulation or custom at the time of connection.

- C. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board of Health.

§ 82.8. Exemptions.

- A. Discharge or flow resulting from fire fighting activities.
- B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
1. Waterline flushing;
 2. Flow from potable water sources;
 3. Springs;
 4. Natural flow from riparian habitats and wetlands;
 5. Diverted stream flow;
 6. Rising groundwater;
 7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 9. Discharge from landscape irrigation or lawn watering;
 10. Water from individual residential vehicle washing;

11. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
12. Discharge from street sweeping;
13. Dye testing, provided verbal notification is given to the Board of Health prior to the time of the test;
14. Non-stormwater discharge permitted under an National Pollutant Discharge Elimination System permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
15. Discharge for which advanced written approval is received from the Board of Health as necessary to protect public health, safety, welfare or the environment.

§ 82.9. Emergency Suspension of Storm Drainage System Access.

The Board of Health may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board of Health may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§ 82.10. Notification of Spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the Board of Health and the Engineering Department. In the event of a release of non-

hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 82.11. Enforcement.

- A. The Board of Health or an authorized agent of the Board of Health shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Board of Health may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- C. Orders. The Board of Health or an authorized agent of the Board of Health may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 - 1. elimination of illicit connections or discharges to the municipal separate storm sewer system;
 - 2. performance of monitoring, analyses, and reporting;
 - 3. that unlawful discharges, practices, or operations shall cease and desist; and
 - 4. remediation of contamination in connection therewith.
- D. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator fail to abate or perform remediation within the specified deadline, the Town of Westford may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

- E. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Westford, including administrative costs. The violator may file a written protest objecting to the amount or basis of costs with the Board of Health within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board of Health affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the violator and shall constitute a lien on the violator's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in Massachusetts General Laws chapter 59, section 57, after the thirty-first day at which the costs first become due.
- F. Criminal Penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00, excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- G. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Westford may elect to utilize the non-criminal disposition procedure set forth in Massachusetts General Laws chapter 40, section 21D, and the Town of Westford General Bylaws Chapter 1.2 A in which case the Board of Health or its authorized agent shall be the enforcing person. The penalty for the 1st violation shall be \$100.00. The penalty for the 2nd violation shall be \$200.00. The penalty for the 3rd and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- H. Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Health, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Board of Health deems reasonably necessary.
- I. Appeals. The decisions or orders of the Board of Health shall be final. Further relief shall be to a court of competent jurisdiction.

- J. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 82.12. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

§ 82.13. Transitional Provisions.

Residential property owners shall have 180 days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

<i>Selectmen Recommend</i>

ARTICLE 20: General Bylaw - Bylaw Review Committee

Majority Vote Required

Motion: That the Town amend Chapter 10 of the General Bylaws to clarify the scope of recommendations made by the Bylaw Review Committee, by amending §10.2.F which currently reads as,

§10.2.F. The Committee chair or some members of the Committee designated by the Committee shall report to the Town Meeting any recommendations the Committee considers appropriate with respect to any article in the Warrant that proposes an amendment or addition to the General Bylaws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.

To read as follows:

§10.2.F. The Committee chair or some members of the Committee designated by the Committee shall report to the Town Meeting its recommendation on any article in the Warrant that proposes an amendment or addition to the General Bylaws. The Committee's recommendation shall be based on the form and consistency of the proposed amendment or addition and on its placement in the General Bylaws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.

<i>Selectmen Recommend Majority Vote Required</i>

**ARTICLE 21: Delete & Remove Non Zoning Wetland Bylaw
Citizens' Petition:**

Majority Vote Required

That the Town delete and remove from the Town of Westford By-Laws the following sections in their entirety: Sections 171.1 – 171.13, inclusive (Non-Zoning Wetland By-Laws).

<i>Selectmen <u>Do Not</u> Recommend</i>
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ADMINISTRATIVE

**ARTICLE 22: Delete and Remove Wetland Rules & Regulations from
the Town of Westford Code
Citizens' Petition:**

N/A

That the Town delete and remove from the Town of Westford Code the following sections in their entirety: Sec. 235-1 through 235-8 inclusive (Wetlands Rules and Regulations).

<i>Selectmen <u>Do Not</u> Recommend</i>
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ARTICLE 23: Special Act Relative to Voter Information

Majority Vote Required

Motion: That the Town authorize the Board of Selectmen to file special legislation with the General Court in the following form:

“An Act authorizing the Town of Westford to send certain information to registered voters in the Town of Westford.

Be enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same as follows.

Section 1

- (a) Notwithstanding the provisions of section twenty-two A of Chapter 55 of the General Laws or any other general or special law to the contrary, the Board of Selectmen of the Town of Westford shall, at least seven days before any election at which a question, other than a question on the ballot pursuant to section eighteen A of Chapter 53, shall be submitted solely to the voters of the Town of Westford, cause to be printed and sent to each residence of one or more voters whose name appears on the latest

voting list for said town and make available at each polling place (1) the full text of each question, (2) a fair and concise summary of each question including a one sentence statement describing the effect of a yes or no vote, prepared by Town Counsel and (3) arguments for and against such question as provided in paragraphs (b) and (c) of the section.

- (b) No argument shall contain more than two hundred and fifty words. Said Board of Selectmen or, at its request, the Town Counsel shall seek such written arguments from the principal proponents and opponents of each such question. The Board of Selectmen shall designate a date by which written arguments must be received in a written notice to the principal proponents and opponents. Said notice must be issued at least 14 days before the date by which written arguments must be received.
- (c) For the purposes of this section, the principal proponents and opponents of any such question shall be those persons determined by the Board of Selectmen to be best able to present the arguments for and against such question. The principal proponents or opponents of such a question may include a town or district officer or committee and the principal proponents may include the first ten signers or a majority of the first ten signers of any petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, the Board of Selectmen shall contact each ballot question committee, if any, as defined in section one of Chapter 55 of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by the Selectmen within the time allowed by this section, the Town Counsel shall prepare such argument.
- (d) All arguments filed with the Board of Selectmen pursuant to this section and the summary prepared pursuant to paragraph (a) of this section, shall be open to public inspection at the office of Town Clerk of the Town of Westford and, if the vote affects a district, the arguments and summary shall be open to public inspection at the office of the clerk of each city or town within the jurisdiction of the district.

Section 2

This special act shall apply to dissemination of the informational material as provided by the terms of the Act where the question presented involves the regional district of which the Town of Westford is a member or involves a joint undertaking by the Town of Westford and any one or more cities or towns.

Section 3

This Act shall take effect upon its passage.”

<i>Selectmen Recommend</i>

STREET ACCEPTANCE

ARTICLE 24: **Allie Lane (from station 0+00 to end) &** *Majority Vote Required*
 Lindsey Lane (from station 0+00 to 8+40.29)
 Citizens’ Petition:

That the Town, pursuant to MGL Chapter 82, Section 21, accept Lindsey Lane (approximately 680 feet long) and a portion of Allie Lane (approximately 840 feet long (beginning at Groton Road for a distance of 840 feet)) as town public ways as shown by the report and plan duly filed with the Town Clerk and to authorize the Board of Selectmen to accept the deed to the Town of the said ways.

<i>Selectmen to make Recommendation at Town Meeting (awaiting Town Engineer Recommendation)</i>

***ARTICLE 25:** **Hitchin’ Post Greens II;** *Majority Vote Required*
 Magnolia Drive (from station 0+00 to 1+65)
 Greenbrier Drive (from station 0+00 to 1+85)
 Juneberry Lane; Casie Lane

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Juneberry Lane (approximately 1000 feet), Casie Lane (approximately 1650 feet), and Greenbrier Drive from station 0 + 00 to station 1 + 85 and Magnolia Drive from station 0 + 00 to station 1 + 65, as a town public way and to authorize the Board of Selectmen to accept the deed to the Town of the said way.

<i>Selectmen Recommend</i>

***ARTICLE 26:** **Alcorn Crossing** *Majority Vote Required*

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Alcorn Crossing (approximately 2,220 feet) as a town public way and to authorize the Board of Selectmen to accept the deed to the Town of the said way.

<i>Selectmen Recommend</i>

ZONING BYLAW AMENDMENTS

ARTICLE 27: Extension of Section 6.3: Growth Management Bylaw for an Additional Year

2/3 Vote Required

Motion: That the Town amend Chapter 173, Section 6.3 of the Westford Zoning Bylaw to extend the Growth Management Bylaw for an additional year to allow for the completion of the Comprehensive Master Plan update and, further, that the portion of Section 6.3.2.2, which reads as follows:

“The provisions of this section shall expire on May 11, 2008; . . .”

be amended to read as follows:

“The provisions of this section shall expire on May 11, 2009; . . .”

<i>Selectmen Recommend</i>

**ARTICLE 28: Rezone to Commercial Highway
Map 5 Parcels 5, 6 & 7
Citizens’ Petition:**

2/3 Vote Required

That the Town re-zone the following parcels located in the Town of Westford to Commercial Highway (CH): Map 5 Parcel 5, Map 5 Parcel 6, and Map 5 Parcel 7.

<i>Selectmen to make Recommendation at Town Meeting (awaiting Planning Board Report)</i>
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LAND USE & LAND AQUISITIONS

ARTICLE 29: Stepinski Parcel

2/3 Vote Required

Motion: That the town appropriate the sum of \$518,000 (FIVE HUNDRED EIGHTEEN THOUSAND DOLLARS) to be expended at the direction of the Water Commissioners, to pay a portion of the costs for the acquisition of the so-called “Stepinski property”, including the payment of all other costs incidental and related thereto, said sum to supplement the appropriation made under Article 12 of the November 4, 2003 Special Town Meeting; and, further that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44

Section 7(3) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore; and, further said property is comprised of two parcels of land recorded at the Middlesex North Registry of Deeds at Book 7501, Page 237 and Book 11651, Page 092.

Selectmen Recommend and FinComm to make Recommendation at Town Meeting

ARTICLE 30: Easement at Routes 27/225 BFRT *2/3 Vote Required*

Motion: That the Town authorize the Board of Selectmen to acquire by gift, purchase or eminent domain certain rights in fee or by easement on properties located along Route 27 and Route 225 from the Carlisle Town line to the intersection of Routes 27 and 225 and inclusive of any parcels that are within 500 feet of the centerline of the rail bed right-of-way centerline, including, obtaining permanent roadway, sidewalk, rail trail, and utility easements, for the purposes of construction and maintenance of roadway, sidewalk, rail trail and utilities along the rail bed and at the intersection of Routes 27 and 225.

Selectmen Recommend

ARTICLE 31: Easements for South Chelmsford Road Sidewalk *2/3 Vote Required*

Motion: That the Town authorize the Board of Selectmen to acquire by gift, purchase or eminent domain certain rights in fee or by easement on properties located along South Chelmsford Road from the Chelmsford Town line to the intersection of South Chelmsford Road and Southgate Road, including obtaining permanent sidewalk and utility easements, for the purposes of construction and maintenance of a sidewalk and utilities on South Chelmsford Road.

Selectmen Recommend

ARTICLE 32: Easements at Flagg Road / Forge Village Road *2/3 Vote Required*

Motion: That the Town authorize the Board of Selectmen to acquire by gift, purchase or eminent domain the following rights on a property located at 3 Forge Village Road (Map 21 Parcel 34), including obtaining permanent roadway easements, for the purposes of construction, reconstruction, and maintenance of roadway, utilities, and retaining walls on Forge Village Road.

Selectmen Recommend

ARTICLE 33: Authorization of Lease at Frances Hill Road Property *Majority Vote Required*

Motion: That the Town authorize the Board of Water Commissioners, pursuant to Mass. Gen. Laws c. 40, §§ 3 and 4 to enter into a lease for certain Town of Westford owned property in the care, control and custody of the Board of Water Commissioners, at Frances Hill Road off of Hunt Road identified as Westford Assessors Map 33, Parcel 17; said lease to be for the purpose of constructing and maintaining a telecommunications facility on the existing water storage tank on said property as well as for access to and from said storage tank and for constructing and maintaining utilities appurtenant to the telecommunications facility; said lease to be awarded pursuant to a Request for Proposals and to be upon such terms and for such length of time as the Board of Water Commissioners deems proper.

Selectmen to make Recommendation at Town Meeting (awaiting Lease Revenue Information from Water Dept)

ARTICLE 34: Intermunicipal Agreement to Acquire, Design and Construct the Bruce Freeman Rail Trail *Majority Vote Required*

Motion: That the Town, in accordance with MGL Chapter 40, Section 4A, authorize the Board of Selectmen or the Town Manager to enter into an intermunicipal agreement with any or all of the Towns of Carlisle and Acton, or any governmental unit thereof, for a term not to exceed twenty-five years, and to include an amount setting forth the maximum financial liability of the Town in accordance with the intermunicipal agreement, to be entered into for the purposes of acquisition, design and construction of the Bruce Freeman Rail Trail.

Selectmen Recommend

ARTICLE 35: Transfer Care, Custody and Control of Town Farm Road Building to Board of Selectmen *2/3 Vote Required*

Motion: That the Town, pursuant to MGL Chapter 40, Section 15A, transfer the care, custody and control of the land and building, known commonly as, the former School Department Administration Building, from the School Committee to the Board of Selectmen.

Selectmen Recommend

**ARTICLE 36: Acquisition of the Franco American Club
(55 West Prescott Street) As an Alternative to the
Expansion of the Cameron Senior Center
Citizens' Petition:**

Majority Vote Required

That the Town authorize the Board of Selectmen to begin negotiations as soon as possible with the board of directors of the Franco American Club of Westford to determine an acceptable price for the Town to acquire the property at 55 West Prescott Street now owned by the Franco American Club being four acres more or less; and further that the Board of Selectmen present a plan to a Special Town Meeting in the Fall of 2008 that would utilize the building at 55 West Prescott Street for the Town's senior center as an alternative to expanding the Cameron Senior Center on Pleasant Street.

Selectmen to make Recommendation at Town Meeting (awaiting PTBC/COA recommendation)

***ARTICLE 37: Comprehensive Master Plan**

Majority Vote Required

Motion: That the Town dismiss Article 37.

Planning Board and Comprehensive Master Plan Committee Recommend Dismissal

* Indicates an Article which will be proposed for inclusion on the Consent Agenda.

They are Articles 5, 8, 10, 25, 26 and 37